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EXAMINER

MAURO JR, THOMAS J

ART UNIT

PAPER NUMBER

2143

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/867,944	<b>Applicant(s)</b> DANKER ET AL.	
	<b>Examiner</b> Thomas J. Mauro Jr.	<b>Art Unit</b> 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20010530</u> | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-39 are pending and are presented for examination. A formal action on the merits of claims 1-39 follows.

#### ***Claim Objections***

2. Claim 3 is objected to because of the following informalities: claim 3 on page 25 line 19 contains both the articles "the" and "a". One should be deleted, please correct. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. The term "some" in claim 15 is a relative term which renders the claim indefinite. The term "some" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Please correct this claim to remove the relative term "some" by providing a more definitive term.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-7, 9-15, 17-20 and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Zenith (U.S. 6,519,771).

With respect to claim 1, Zenith teaches a network system including at least two network devices network connectable so as to be capable of engaging in an instant messaging session, a method for users of the at least two network devices to communicate via instant messaging [Zenith – Abstract], the method reducing the amount of input required by the users, the method comprising:

a first network device receiving a first instant message [Zenith -- Figure 3, Col. 3 line 56 and Col. 6 lines 35-38, lines 45-48 and lines 50-53 – First network device, i.e. TV having a set-top box, receives an instant message, i.e. chat];

automatically, and without user intervention, extracting a language expression associated with the first instant message (IM) [Zenith -- Col. 6 lines 38-42 and lines 47-56 and Col. 7 lines 15-18 – Based upon chat message received, system proposes responses for selection by the user after having monitored and identified expressions within a received message.

**Therefore, it is required that the system extract and interpret messages in order to provide valid responses to be selected];**

displaying a language expression associated with the first instant message at the first network device [**Zenith -- Figures 5-7 and Col. 6 lines 48-50 and lines 53-56 – Responses are provided to the user based upon the received message];**

receiving a user selection of one of the language expressions displayed at the first network device [**Zenith -- Col. 3 lines 19-24, Col. 6 lines 53-56 and Col. 7 lines 29-30 – User can select one of the prescribed responses];** and

including the selected language expression in a reply instant message to the first instant message [**Zenith -- Col. 4 lines 60-67, Col. 6 lines 45-56 and Col. 7 lines 29-30 – Users participate in chat rooms, i.e. send and receive messages, by selecting from various prescribed responses displayed in response to receiving a chat message].**

With respect to claim 2, Zenith further teaches wherein a first network device receiving a first instant message comprises a television set top box receiving a first instant message [**Zenith -- Figures 1 and 3 and Col. 3 line 56 – User interface device is a television with a set-top box].**

With respect to claim 3, Zenith further teaches a television set top box associated with a cable television network receiving a first instant message [**Zenith -- Figures 1 and 2, Col. 2 lines 34-38 and Col. 4 lines 3-14 – Television is associated with receiving television broadcasts via cable].**

With respect to claim 4, Zenith further teaches extracting a language expression from the contents of the first message [**Zenith -- Col. 6 lines 38-42 and lines 45-56 and Col. 7 lines 14-17 – Language expressions, i.e. one or more characters, are monitored and identified by the system in order to provide optional responses to be selected by the user**].

With respect to claim 5, Zenith further teaches extracting a language expression from closed caption data [**Zenith -- Col. 6 lines 35-38 and lines 42-45 – Close captioned text is monitored for expressions**].

With respect to claim 6, Zenith further teaches extracting a language expression from text manually entered by the user [**Zenith -- Col. 6 lines 57-58 and Col. 7 lines 7-14 – User can input responses for storage by the system, i.e. manually entered, to be later extracted and displayed for selection by the user**].

With respect to claim 7, Zenith further teaches extracting a language expression from a data dictionary [**Zenith -- Col. 6 lines 59-63 and Col. 7 lines 7-14 – User can select that language expressions be extracted from a profile, i.e. data dictionary, which stores language expressions for retrieval during chat**].

With respect to claim 9, Zenith further teaches displaying a language expression associated with the first instant message on a video display associated with the first network

device [Zenith -- Figures 3, 5, 6 and 7 and Col. 6 lines 45-56 – Prescribed responses, i.e. language expressions, are presented for selection by the user using the TV, i.e. video display, chat system].

With respect to claim 10, Zenith further teaches displaying a language expression associated with the first instant message on a video display associated with a television [Zenith - - Figures 3, 5, 6 and 7, Col. 3 line 56, Col. 5 lines 21-34 and Col. 6 lines 45-56 – Prescribed responses, i.e. language expressions, are presented for selection by the user using the television (TV) chat system].

With respect to claim 11, Zenith further teaches displaying other received content on the video display associated with the television (TV) [Zenith -- Figures 5-7 and Col. 5 lines 53-61 – TV, i.e. video display, contains both TV broadcast information, i.e. television show, along with chat].

With respect to claim 12, Zenith further teaches wherein a language expression associated with the first instant message and other received content are displayed on the video display simultaneously [Zenith -- Figures 5-7, Col. 4 lines 53-54 and Col. 5 lines 53-61 – TV, i.e. video display, contains both TV broadcast information, i.e. television show, along with chat simultaneously].

With respect to claim 13, Zenith further teaches displaying television programming on the video display [**Zenith -- Figures 5-7 and Col. 5 lines 53-61 – TV, i.e. video display, contains both TV show, i.e. television programming, along with chat**].

With respect to claim 14, Zenith further teaches wherein a language expression associated with the first instant message and television programming are displayed on the video display simultaneously [**Zenith -- Figures 5-7, Col. 5 lines 53-61 and Col. 6 lines 47-56 – TV, i.e. video display, contains both TV broadcast information, i.e. television show, along with chat containing language expressions choices, simultaneously**].

With respect to claim 15, Zenith further teaches displaying only some of the language expressions associated with the first instant message [**Zenith Col. 6 lines 52-56 – System displays prescribed responses which may included subcategories. Thus only some of the responses will be displayed initially until further selections are made into subcategories**].

With respect to claim 17, Zenith further teaches receiving from a limited input device a user selection of a language expression displayed at the first network device [**Zenith -- Figure 3, Col. 3 lines 11-15, Col. 4 lines 22-27 and Col. 7 lines 7-10 – Remote control or pointing device, i.e. limited input device, is used to select expressions, i.e. prescribed responses, from the display**].

With respect to claim 18, Zenith further teaches wherein the receiving from a limited input device comprises the following:

receiving from a remote control a user selection of a language expression displayed at the first network device [**Zenith -- Figure 3, Col. 3 lines 11-15, Col. 4 lines 22-27 and Col. 7 lines 7-10 – Remote control or pointing device, i.e. limited input device, is used to select expressions, i.e. prescribed responses, from the display].**

With respect to claim 19, Zenith further teaches receiving from limited input device a user selection of a language expression displayed on a television [**Zenith -- Figures 3 and 5-7, Col. 3 lines 11-15 and line 56, Col. 4 lines 22-27, Col. 5 lines 53-61 and Col. 7 lines 7-10 – Remote control or pointing device, i.e. limited input device, is used to select expressions, i.e. prescribed responses, from the display, i.e. TV].**

With respect to claim 20, Zenith further teaches receiving from remote control a user selection of a language expression displayed on a TV [**Zenith -- Figures 3 and 5-7, Col. 3 lines 11-15 and line 56, Col. 4 lines 22-27, Col. 5 lines 53-61 and Col. 7 lines 7-10 – Remote control or pointing device, i.e. limited input device, is used to select expressions, i.e. prescribed responses, from the display, i.e. TV].**

With respect to claim 24, Zenith teaches a computer-readable medium carrying computer-readable instructions, that when executed at the first network device, cause the first network device to perform the following steps [**Zenith -- Col. 4 lines 53-67].** The remaining

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limitations are similar to the claims recited in the method of claim 1. They have similar limitations; therefore, claim 24 is rejected under the same rationale.

With respect to claim 25, Zenith further teaches wherein the computer-readable medium is a physical storage media [**Zenith -- Col. 3 line 67 – Col. 4 lines 1-2 and lines 53-67 – Physical storage media is a disk drive**].

8. Claims 30-32, 34-35 and 38-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Manabe et al. (U.S. 6,584,494).

With respect to claim 30, Manabe teaches a network system including one or more network devices, the network devices being network connectable so as to be capable of engaging in an instant messaging session, a method for a first user of a first network device associated with a television to determine the capability of a second user to engage in an instant messaging session [**Manabe - Abstract**], the method comprising:

displaying an initial status icon to the first user of the first network device so as to represent the second user's capability to engage in an instant messaging session [**Manabe -- Col. 8 lines 17-21 and lines 23-26 – Display module displays icon which indicates the status of a user participating in the channel, i.e. chat session**];

associating a specific character sequence with a changed status icon [**Manabe -- Col. 8 lines 26-34 and lines 38-39 -- Icons are associated in advance with a predetermined status information, which when received, causes the icon to change**];

the first network device receiving the specific character sequence associated with the changed status icon and displaying the changed status icon to the first user of the first network device so as to represent a change in the second user's capability to engage in an instant messaging session [**Manabe -- Figures 5-8 and Col. 8 lines 27-67 -- Col. 9 lines 1-7 -- Icon, displaying the status of a user, is changed upon having received a text message containing specific, predetermined status information. For example, if "away from desk" or "busy" is received, icon will change to show the updated status**].

With respect to claim 31, Manabe further teaches the first network device receiving an instant message that includes the specific character sequence associated with the changed status icon [**Manabe -- Figures 5-8 and Col. 8 lines 27-61 -- Chat, i.e. instant message, is received which includes specific character sequence, i.e. "not at desk" or "away from desk", which causes the status icon to change**].

With respect to claim 32, Manabe further teaches association a specific character sequence with a changed status icon that represents the state of the second user [**Manabe -- Col. 8 lines 26-34 and lines 38-39 -- Icons are associated in advance with a predetermined status information, i.e. text message, which when received, causes the icon to change**].

With respect to claim 34, Manabe further teaches association a specific character sequence with a changed status icon that represents the second user is online and ready to engage in an instant messaging session [**Manabe -- Figure 5A and Col. 8 lines 17-44 – Icons representing status are shown, including the standard icon shown in Figure 5A indicating “at desk” or online**].

With respect to claim 35, Manabe further teaches associating a specific character sequence with a changed status icon that represents the second user is online but cannot engage in an instant messaging system [**Manabe -- Figure 5A and 5B and Col. 8 lines 27-53 – Icon is changed to indicate that the status of a user is “away from desk”, i.e. online but cannot chat**].

With respect to claim 38, Manabe further teaches associating a specific character sequence not normally occurring in written language with a changed status icon [**Manabe -- Figure 5A, 6A and 7 and Col. 8 lines 27-44 – Specific character sequence, namely up arrow (See Figures) indicates a status information message which then associates the text of the message with a predetermined icon to change the status**].

With respect to claim 39, Manabe further teaches associating a specific character sequence not normally occurring in written language with a changed status icon that represents the status of the second user [**Manabe -- Figure 5A, 6A and 7 and Col. 8 lines 27-44 – Specific character, namely up arrow (See Figures) indicates a status information message which**

**then associates the text of the message with a predetermined icon to change the status of the user to a given state, i.e. away from desk or busy].**

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 8, 16 and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenith (U.S. 6,519,771).

Regarding claim 8, Zenith teaches the invention substantially as claimed, as aforementioned in claim 7 above, including extracting a language expression from a data dictionary [**Zenith -- Col. 6 lines 59-63 and Col. 7 lines 7-14 -- User can select that language expressions be extracted from a profile, i.e. data dictionary, which stores language expressions for retrieval during chat**], but fails to explicitly teach the dictionary including expressions from previous chat messages.

The system, however, of Zenith can extract language expressions from the contents of a message [**Zenith -- Col. 6 lines 38-42 and lines 45-56 and Col. 7 lines 14-17 -- Language expressions, i.e. one or more characters, are monitored and identified by the system in order to provide**

**optional responses to be selected by the user]**, therefore, it would have been obvious to have those same extractions appear as expressions in a dictionary from previous messages.

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include expressions from previous messages in a dictionary in order to compile a listing of previous expressions which will likely be used again as responses in the future.

Regarding claim 16, Zenith teaches the invention substantially as claimed, as aforementioned in claim 15 above, but fails to explicitly teach scrambling the displayed language expressions associated with a message.

While Zenith fails to teach scrambling the displayed language expressions associated with a message, this mere shift or rearrangement of parts, i.e. scrambling of expressions, does not render something patentable and would have been obvious to a person of ordinary skill in the art as was upheld in *In re Japikse* (181 F.2d 1019, 1023, 86 USPQ 70, 73 (CCPA 1950)), because shifting/rearrangement of parts, in this case, scrambling expressions, is an obvious modification to a system to one of ordinary skill in the art.

Regarding claim 26, Zenith teaches a network system including at least two network devices network connectable so as to be capable of performing communication operations, one of the at least two network devices being a television, a method for users of the at least two network devices to communicate [**Zenith – Abstract**], the method reducing the amount of input required by the users, the method comprising:

a first network device receiving a first message [**Zenith -- Figure 3, Col. 3 line 56 and Col. 6 lines 35-38, lines 45-48 and lines 50-53 -- First network device, i.e. TV having a set-top box, receives a message, i.e. chat**];

automatically, and without user intervention, extracting a language expression associated with the first message [**Zenith -- Col. 6 lines 38-42 and lines 47-56 and Col. 7 lines 15-18 -- Based upon message received, system proposes responses for selection by the user after having monitored and identified expressions within a received message. Therefore, it is required that the system extract and interpret messages in order to provide valid responses to be selected**];

displaying a language expression associated with the first message at the first network device [**Zenith -- Figures 5-7 and Col. 6 lines 48-50 and lines 53-56 -- Responses are provided to the user based upon the received message**];

receiving a user selection of one of the language expressions displayed at the first network device [**Zenith -- Col. 3 lines 19-24, Col. 6 lines 53-56 and Col. 7 lines 29-30 -- User can select one of the prescribed responses**]; and

including the selected language expression in a reply message to the first message [**Zenith -- Col. 4 lines 60-67, Col. 6 lines 45-56 and Col. 7 lines 29-30 -- Users participate in chat rooms, i.e. send and receive messages, by selecting from various prescribed responses displayed in response to receiving a chat message**].

Zenith teaches the communication means of instant messaging [**Zenith -- Col. 3 lines 11-26**], i.e. chat, but fails to explicitly teach the communication means being electronic mail.

Electronic mail as a form of communication was notoriously well known in the art and widely

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used as a method of communicating between users and devices.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate electronic mail, as the form of communications, in order to extend the system to communicate with users who may not be currently online but with whom a message can still be sent, whereas instant messaging generally requires the users to be online to communicate.

Regarding claims 27-29, these are method claims similar to the method claimed in claims 2, 10 and 19 above respectively. They have similar limitations; therefore, claims 27-29 are rejected under the same rationale.

11. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenith (U.S. 6,519,771), as applied to claim 1 above, in view of Manabe et al. (U.S. 6,584,494).

Regarding claim 21, Zenith teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to explicitly teach displaying an icon associated with users of other devices connected to a network so that each is capable of engaging in an instant messaging session with the user and receiving a user selection of one of the displayed icons enabling an instant messaging session to the user.

Manabe, however, discloses a well known instant messaging system which displays icons of

online users who have the ability to communicate with other users via instant messaging

**[Manabe -- Figures 5-6 and Col. 8 lines 17-21 and lines 23-26 – Display module displays icon which indicates the status of a user participating in the channel, i.e. chat session] along with selecting an icon to begin a communication session with a user [Manabe -- Col. 8 lines 17-27 – Display module displays icons associated with online users. By definition (Microsoft Computer Dictionary, 5<sup>th</sup> Edition) an icon is defined as a small image allowing users to control certain computer actions without having to remember commands or type them in. Thus, it is obvious these icons can be selected to initiate the communication action between the two users as is well known in the art].**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the instant messaging system which displays icons of online users who have the ability to communicate with other users via instant messaging along with selecting an icon to begin a communication session with a user, as taught by Manabe into the invention of Zenith, in order to provide the common and well known graphical user interface (GUI) of icons to facilitate and smooth the flow of communications between participants.

Regarding claim 22, Zenith-Manabe teach the invention substantially as claimed, as aforementioned in claim 21 above, including displaying previous instant messages received from the users of the network device associated with the selected icon **[Manabe -- Figures 5A, 6A, 7 and 8 and Col. 8 lines 35-67 – Col. 9 lines 1-7 – As is well known and common in instant messaging communication sessions, previous messages typed by both parties remain displayed as a history of communication in the window, as can be seen from the figures].**

Regarding claim 23, Zenith-Manabe teach the invention substantially as claimed, as aforementioned in claim 21 above, including changing the appearance of an icon when a specific character sequence not typically occurring in written language is received by the first network device [**Manabe -- Figure 5A, 6A and 7 and Col. 8 lines 27-44 – Specific character sequence, namely up arrow (See Figures) indicates a status information message which then associates the text of the message with a predetermined icon to change the status**].

12. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Manabe et al. (U.S. 6,584,494).

Regarding claim 33, Manabe teaches the invention substantially as claimed, as aforementioned in claim 32 above, including associating specific character sequences with a changed status icon [**Manabe -- Figure 5A and Col. 8 lines 17-44 – Icons representing status are shown, including the standard icon shown in Figure 5A indicating “at desk” or online**], but fails to teach an icon representing the user is offline.

It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention that with the system of Manabe in place, any number of different icons could be used to represent any number of different states simply by associating an icon with a status information message, such as offline.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to incorporate a status icon associated with an offline state into the invention of Manabe in order to further provide another status indicator to inform other users that another user is offline and unable to communicate which will further make the system more user friendly.

13. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manabe et al. (U.S. 6,584,494), as applied to claim 30 above, in view of Zenith (U.S. 6,519,771).

Regarding claim 36, Manabe teaches the invention substantially as claimed, as aforementioned in claim 30 above, but fails to explicitly teach wherein a first device is a television set top box associated with a cable television network.

Zenith, however, discloses an interactive chat system for use without a keyboard on a television set top box associated with a cable television network [**Zenith -- Figures 1 and 2, Col. 2 lines 34-38, Col. 3 line 56 and Col. 4 lines 3-14 – Television, with set top box, is associated with receiving television broadcasts via cable network**].

Both Manabe and Zenith are concerned with chat, i.e. instant messaging system and various enhancements for them.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the television with a set top box and cable network for operation, as taught by Zenith into the invention of Manabe, in order to provide status notification of other users participating in a TV interactive chat session.

Regarding claim 37, Manabe-Zenith teach the invention substantially as claimed, as aforementioned in claim 36 above, including wherein the initial status icon and the changed status icon are displayed [**Manabe -- Col. 8 lines 17-21 and lines 23-26 – Display module displays icon which indicates the status of a user participating in the channel, i.e. chat session**] on a television associated with the television set top box [**Zenith -- Figures 1 and 3 and Col. 3 line 56 – User interface device is a television with a set-top box**].

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Moncreiff (U.S. 5,828,839) discloses a computer network chat room related to a television program being broadcast.
- Cooper et al. (U.S. 6,754,904) discloses a TV chat system which informs users of status information of other users, namely, the show they are currently viewing

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- Kay et al. (U.S. 6,430,602) discloses a method for interactively responding to instant messaging requests by parsing and interpreting received messages
- Wick (U.S. 6,691,162) discloses a system for monitoring users of an instant messaging communications network for activity


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TJM  
September 1, 2004



DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100